

REMARKS

This Amendment is submitted in response to the official action dated August 22, 2007. Claims 1-23 were pending in the application. In the official action, claims 1-23 were rejected. In this Amendment, claims 1, 5, 16, 17, and 19-23 have been amended. Claims 1-23 thus remain for consideration.

Applicant submits that claims 1-23 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

\$102 and \$103 Rejections

Claims 1-13, 15-17, and 19-23 were rejected under 35 U.S.C. §102(b) as being anticipated by Salonidis et al. (U.S. Patent No. 6,865,371).

Claims 14 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salonidis in view of Gehrmann (<http://grouper.ieee.org>).

Applicant submits that the independent claims (claims 1, 5, 16, 17, and 19-23) are patentable over Salonidis and Gehrmann.

Applicant's invention as recited in the independent claims is directed toward data communication. Each of the claims recites that a data communication path between two communication apparatuses is established when the timing of a physical user operation on one of the two apparatuses corresponds to the timing of a physical user operation on the other of the two apparatuses. (Supporting disclosure can be found in the specification at, for example, page 9, line 20 - page 10, line 2; page 21, lines 12-19; and page 32, lines 12-20.)

Since neither Salonidis nor Gehrmann discloses establishing a data communication path between two communication apparatuses when the timing of a physical user

operation on one of the two apparatuses corresponds to the timing of a physical user operation on the other of the two apparatuses, Applicant believes that claims 1, 5, 16, 17, and 19-23 are patentable over Salonidis and Gehrman - taken either alone or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant believes that dependent claims 2-4, 6-15, and 18 are patentable over Salonidis and Gehrman for at least the same reasons as discussed in connection with the independent claims.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

Dated: November 19, 2007

Respectfully submitted,

By 

Bruno Polito

Registration No.: 38,580

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant